

January 13, 2000

MEMORANDUM

TO: Purchasing Offices
Departments, Institutions, Agencies
Commonwealth of Virginia

FROM: Ron Bell
Director

SUBJECT: Procurement Information Memoranda (PIM) #98-003

Enclosed is PIM #98-003 representing several changes to the September 1998 edition of the *Agency Procurement and Surplus Property Manual (APSPM)*. Please insert or replace the pages enclosed; the appropriate page numbers are shown at the bottom of the page. Other pen and ink changes should be made to the manual and are explained in the table below.

Appendix C contains a log in which to list the PIM number and date of revision. This letter and the corresponding PIM #98-003 should be filed in the back of the Appendix C log.

Section	Summary of Changes	Pen & Ink Changes OR Replacement Pages as Indicated
2.1d	Purchasing motor vehicles and automotive supplies through VDOT.	Replace page 2-3, attached.
3.1d Page 3-2 Canceling a Solicitation	Bidders and Offerors should be notified when a program is cancelled.	Add the words "Bidders or" before the first word in the last sentence of 3.1d. so the sentence begins, "Bidders or Offerors should be notified in writing that the program has been cancelled..."
7.2 Page 7-1	Change the words "will be" to "must" pertaining to the required agency head signature on the required written determination.	Change the words "will be" to "must" in the last sentence on page 7-1.
7.2d Page 7-2	RFP weights must be posted prior to receipt and evaluation of proposals.	Change wording in 7.2d, 5 th line from, "...prior to the opening and evaluation..." to "...prior to the receipt and evaluation..."

Page 7-11 under V.	Same as above change needed under Evaluation & Award Criteria	4 th line under V. on page 7-11, change the word “opening” to “receipt.”
Annex 7-B Page 7-6	RFP sample solicitation cover page contains error and refers to “bids” rather than “proposals.”	Change the word “bids” to “proposals” in the sentence that is in all CAPS in the middle of the cover page of the RFP solicitation document.
Annex 8-B Sole Source Checklist Page 8-4	The Sole Source checklist should be changed as follows:	Change #2 on the checklist to read: Sole source purchases of software and computer related equipment that are over <u>\$100,000</u> ; approval must be obtained from the <u>Department of Technology Planning</u> <u>(DTP)</u> before being submitted to DGS/DPS for final approval.
Annex 10-H Page 10-18a	Insert new page showing Instructions for completing the Complaint to State Vendor Form as page 10-18a.	Insert new page 10-18a attached.
11.2a Page 11-2	A contractor may invoke administrative procedures within 10 days, not 30 days, of receipt of a notice of ineligibility.	Change the word “thirty” to the word “ten” in the fourth sentence of the first paragraph on page 11-2. Note: Make this same change to the <i>Vendors Manual</i> in the third sentence of paragraph 7.23 on page 7-7.
12.8 Page 12-6	State Surplus Property Chapter deletes reference to transfer and sale of property to other state agencies.	Line 8: After the word "party." delete the next two sentences.
Appendix B Page B-9	Delete duplicate words that are repeated on the following page.	Cross out the last line on B-9, which begins, “F. <u>AWARD:</u> ” because it is repeated on the top of page B-10.
Appendix B, Section IV, 30, new Page B-39	Incorporate Technology Access clause as a Special Condition for the purchase of Information Technology Goods and Services.	Insert new page B-39, attached.
Index - “C” Page Index-7	9.1c is referenced for Conflict of Interest in the APSPM & Vendors Manual Index. Correct reference is 9.1b.	In the Index under “Conflict of Interest,” change the reference under the Vendors Manual column from 9.1c to 9.1b.
Index - “C” Page Index-8 and - “V” Page Index-28	Cross-reference Value of a Contract and Contract Value in the Index.	In the Index, insert under “V,” <u>V</u> alue of a Contract and under “C,” <u>C</u> ontract Value, references to 4.2 and 5.1b.

If you should have questions about the changes noted, please contact Nancy M. Davis at 804-786-0323 or ndavis@dgs.state.va.us.

- (b) Pillows
- (c) Writing Instruments
- (d) Mailing Services - Stuffing Envelopes, Mass Mailings, Flyers, Catalogs, etc.
- (e) Contract Office Services -Clerical, Secretarial, Order Takers, Customer Service Representatives, etc.
- (f) * Mop Heads and Handles
- (g) * Spices, Teas, Custom Blending of Salts and Spices
- (h) * Gloves, Exam - Latex, Powder Free Latex, Powder Free Vinyl, Nitril - All Medical Grade [*Order Latex Gloves through Virginia Distribution Center (VDC)]

* Order through the VDC. See 2.1e.

For information or questions, contact VIB Marketing, VIB-Charlottesville at (804) 295-5168.

- (2) **VDVH Business Enterprises.** When any vending stand or other business enterprise operated in a public building becomes vacant or a vacancy is created through the construction or acquisition of new public buildings or renovation or expansion of existing public buildings, the existence of such vacancies shall be made known to the Department for the Visually Handicapped at (804) 371-3103 or by E-mail to kenneddh@dvhmail.state.va.us. The DVH acting on behalf of the blind shall have first priority in assuming the operation of such vending stand or other business enterprise through the placement of a properly trained blind person in such vacancy (*Code of Virginia* 63.1-155).

- (a) In addition to food service opportunities such as snack bars, cafeterias, and vending machine supplements, enterprises such as bookstores and other over the counter operations are also included.
- (b) Opportunities amounting to estimated annual sales of less than \$5,000 are exempt from this requirement.
- (c) In all cases for consideration the enterprise must be sent to the Business Enterprise program of the DVH in the form of a statement or scope of work at least sixty (60) days prior to publication of a solicitation.
- (d) The Business Enterprise division of the VDVH will evaluate the opportunity and either make a proposal to operate the enterprise or issue a waiver.

When convenience or emergency requires it, the Commissioner of the VDVH may, upon request of the purchasing officer, release the purchasing officer from the obligations of this section. Any purchasing officer who violates its provisions shall be guilty of a misdemeanor and upon conviction shall be punished accordingly (*Code of Virginia*, 2.1-450).

- d. **Virginia Department of Transportation (VDOT).** The Virginia Department of Transportation by Executive Order has been given the authority to purchase motor vehicles and related supplies. Further information may be obtained by calling the VDOT Administrative Services Division, (804) 786-2724.

- (1) For the purchase or lease of motor vehicles, agencies must submit VDOT Form CP-15 to VDOT's Fleet Management Division (804-367-6525) for approval to initiate the purchase process for passenger vehicles and to VDOT's Administrative Services Division for non-passenger vehicles.
- (2) For the purchase of vehicle fuel, VDOT has developed statewide contracts for use by state agencies.
- (3) For the purchase of related supplies and repair parts, agencies may use either of the following procedures:
 - (a) Purchase from VDOT's Central Warehouse, District Shop or Residency Shop by presenting an agency requisitions, a DGS/DPS or a VDOT requisition (DPS Form DGS-41-001 or VDOT Form AS-2) at the location from which the material is to be obtained, or

- (b) If more practicable, agency may purchase related supplies and repair parts within their DGS/DPS delegated authority on the open market using the procedures in this manual.

- e. **Virginia Distribution Center (VDC).** The VDC purchases, stores, and distributes staple goods, canned/frozen foods, janitorial supplies, paper products, and other selected items for state agencies and institutions. An agency may not use its local purchasing authority to purchase an item from another source that is available from the VDC without a written waiver from the VDC Manager. A complete catalog of items stocked is issued in January and July. Changes and pricing updates are issued in April and October. For additional information, assistance or problem areas, contact the VDC at (804) 230-7701. See the annex to this chapter for ordering guidance and the form for use in requisitioning products. On line remote ordering is also available (Annex 2-D) to help facilitate requisitions, and provides real-time order status, shipping, and delivery information.
- f. **DGS/DPS Office of Graphic Communications (OGC).** OGC is a full service creative group that offers: concepts and marketing strategies; creative writing and design; desktop publishing; photography direction; illustration; project management; and, printing management. Typical projects produced consist of promotional, informational and public educational campaigns; college recruitment packages; press kits; logos and identity systems; annual reports; economic development and travel publications; magazines; calendars and posters; museum catalogs and brochures, etc.

All agencies planning to procure graphic design services, desktop publishing, or preparation of camera ready artwork in excess of \$750 must first contact OGC (804) 786-4726 to determine if their requirements can be provided by that office and, if not, receive authority to procure from another source. This requirement does not apply to agencies utilizing existing in-house capabilities; however, if the intent is to contract any of these services with the private sector, or another public body, OGC must first be contacted. If OGC gives authority to contract out the service, the solicitation should specify the following vendor performance requirements, as applicable: research, layouts, design, writing, editing, desktop publishing, typesetting, proofreading, photography, illustration, pasteups, format size, number of pages, and printing specification development.

- g. **Department of Information Technology (DIT).** Telecommunications services, as defined in Appendix A, must be procured through DIT.

The DGS/DPS Contract Compliance Section is available to provide assistance with mandatory sources as well as commercial vendors (804) 786-1602.

2.2 **Nonmandatory Sources.**

- a. **Optional Use Term Contracts.** Optional use term contracts may be established by DGS/DPS or other agencies and institutions within their delegated authority. This type of contract may be appropriate because of the unique nature of the commodity or service being procured and when the demand base encompasses all agencies and institutions. An example would be office supplies that generally are ordered in low dollar increments by users at the lowest organizational level and when local storage and distribution costs exceed any bulk purchase savings. Optional use contracts may also be appropriate when erratic or rapidly dropping prices are encountered such as in the personal computer and related peripheral equipment industries. Market conditions in these limited applications create an incentive for the contractors to retain business by publishing revised price lists against which fixed discount rates can be applied throughout the contract's term.
- b. **Surplus Property.** DGS/DPS has statutory responsibility for administering the surplus property program for state-owned personal property, as well as the federal surplus property program which makes surplus federal property available to eligible state participants. These programs are optional use sources of supply and should always be considered prior to initiating purchase action. Substantial sums of money can be saved for goods that are often in like new condition. To avoid unnecessary purchases of new materials or equipment, the agency or institution Fixed Asset Accounting and Control System (FAACS) coordinator should ensure that assets being procured are first screened against available assets from within their own agency and from other agencies and institutions by reviewing FAACS screening reports FAC30020 (agency) and FAC301 (statewide). Copies of these reports are available on request by contacting DOA at (804) 225-2646.
- c. **Sheltered Workshops.** See definition in Appendix A. State agencies may purchase selected goods and services from nonprofit sheltered workshops without competition if the goods or services:

- (1) are of acceptable quality;

COMPLAINT TO STATE VENDOR DGS-41-024

Form Preparation Instructions

Heading: Vendor and Order Entry Information

1. Insert the full name and address of the vendor against which this complaint is filed.
2. Insert the vendor representative you last contacted, including telephone number.
3. Insert the vendor F.I.N. or Social Security number.
4. Insert date this form was initiated.
5. Insert your agency code.
6. Insert requisition number if not an agency order.
7. Insert purchase order number.
8. Insert the purchase order date.
9. Insert the contract number if using state or single agency contract.
10. Insert generic commodity name of item. Example: Furniture, etc.
11. Insert the name of the appropriate buyer.

Section I To reduce redundant effort, state previous action taken and any results.

Section II Insert principle reason for complaint. Attach additional information if needed.

Closure: Agency information and distribution instructions:

1. Insert the full name and address of the agency submitting the complaint.
2. Name the person that is to be contacted by vendor and DPS.
3. Any responsible person's signature is acceptable.
4. Insert telephone number of contact person.
5. SEE BOTTOM OF FORM FOR PROPER DISTRIBUTION.

NOTE:

1. Information required above located on purchase order.
2. Fax or electronic format may be used expeditiously.

30. **NONVISUAL ACCESS TO TECHNOLOGY:** All information technology which, pursuant to this Agreement, is purchased or upgraded by or for the use of any State agency or institution or political subdivision of the Commonwealth (the "Technology") shall comply with the following nonvisual access standards from the date of purchase or upgrade until the expiration of this Agreement:

- (i) effective, interactive control and use of the Technology shall be readily achievable by nonvisual means;
- (ii) the Technology equipped for nonvisual access shall be compatible with information technology used by other individuals with whom any blind or visually impaired user of the Technology interacts;
- (iii) nonvisual access technology shall be integrated into any networks used to share communications among employees, program participants or the public; and
- (iv) the technology for nonvisual access shall have the capability of providing equivalent access by nonvisual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired.

Compliance with the foregoing nonvisual access standards shall not be required if the head of the using agency, institution or political subdivision determines that (i) the Technology is not available with nonvisual access because the essential elements of the Technology are visual and (ii) nonvisual equivalence is not available.

Installation of hardware, software or peripheral devices used for nonvisual access is not required when the Technology is being used exclusively by individuals who are not blind or visually impaired, but applications programs and underlying operating systems (including the format of the data) used for the manipulation and presentation of information shall permit the installation and effective use of nonvisual access software and peripheral devices.

If requested, the Contractor must provide a detailed explanation of how compliance with the foregoing nonvisual access standards is achieved and a validation of concept demonstration.

The requirements of this Paragraph shall be construed to achieve full compliance with the Information Technology Access Act, §§ 2/1-807 through 2.1-811 of the Code of Virginia.

When Used: In all contracts for the procurement of electronic information processing hardware and software, including telecommunications. The head of the using agency may, with respect to nonvisual access software or peripheral devices, approve the exclusion of this clause only to the extent that the cost of such software or devices for the using agency would increase the total cost of the procurement by more than five percent. All exclusions of this clause from any contract must be reported to the Secretary of Technology not later than 30 days after the close of the fiscal year in which the contract was awarded.